

## **EXHIBIT C**

COPY

Search Warrant No. \_\_\_\_\_

COUNTY AND STATE OF HAWAII  
AFFIDAVIT FOR SEARCH WARRANT

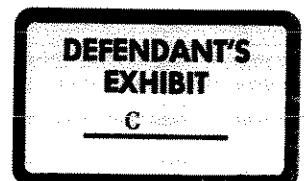
On the basis of your affiant's personal knowledge, as set forth in the attachments hereto, and on the basis of the information contained in those attachments, OFFICER WAYNE T. MITSUNAGA deposes and says, that there is probable cause to believe that the property described hereinafter can be found at the location described hereinafter and that it falls within those grounds indicated by "x"(s), in that it is:

- X property that constitutes evidence of the commission of the offense(s) of DRUG PARAPHERNALIA Section(s) 329-43.5 of the Hawaii Revised Statutes.
- X contraband by violation of Section(s) 329-43.5 of the Hawaii Revised Statutes.
- X fruits of the crime(s) of DRUG PARAPHERNALIA Section(s) 329-43.5 of the Hawaii Revised Statutes.
- \_\_\_\_\_ criminally possessed in violation of Section(s) \_\_\_\_\_ of the Hawaii Revised Statutes.
- X property designed or intended for use of which is or has been used as the means of committing the offense(s) of DRUG PARAPHERNALIA Section(s) 329-43.5 of the Hawaii Revised Statutes.

and request the issuance of a search warrant to SEARCH:

1. A white colored single story residence with green metal corrugated roofing located at 95-5572 Poha Street, Naalehu, Hawaii; And is further located on the north west corner of Poha Street and Niu Street intersection; to include but not limited to all rooms, attics, basements, and other parts therein, the surrounding grounds and any garages, storage rooms, outbuildings of any kind, vehicles, garbage cans and containers located therein;

2. All carrying items to include but not limited to clothing, hand bags, fanny packs, wallets, purses, containers, envelopes on the person identified as John RODDY with a birth date of 10-28-50 and social security number of 521-70-1682;



for the following property:

Please see attached. (Items to search for)

The following attachments are incorporated by reference as though set forth herein haec verba: Attachment(s) No(s): 3, 3a, 3b, 3c, 3d.

WHEREFORE, it is prayed that a search warrant be issued and that such warrant authorize its execution: X only between 6:01 A.M. and 9:59 P.M.; \_\_\_\_\_ at any time of day or night.

DATED: Kona, Hawaii, April 22, 2003.

  
Wayne T. MITSUNAGA

AFFIANT

POLICE OFFICER  
OFFICIAL TITLE

Subscribed and sworn to before me this  
22<sup>nd</sup> day of April  
2003, 9:15 o'clock A.M.

  
JUDGE

X District Court of the Third Circuit  
\_\_\_\_ Circuit Court of the Third Circuit  
County and State of Hawaii

## ITEMS TO SEARCH FOR:

1. US currency 2 (two) twenty dollar bills; serial numbers BD79428320AD4 and AI00624716BI9
2. Paraphernalia used in the ingestion of methamphetamine to include but not limited to glass smoking pipes, metal screens, wet rags and or paper towels, lighters, butane torches; items used in preparing and packaging methamphetamine for sales including blue stamp size Ziploc bags, papers bindles, heat sealed packets, straws, vials used for storage, scales, and other weighing devices;
3. Articles of personal property tending to establish the existence of a conspiracy to use, sell, and transport methamphetamine, including personal telephone books, address books, telephone bills, papers, and papers containing lists of names, addresses and phone numbers of narcotics customers and suppliers;
4. Any proceeds resulting from methamphetamine, and other illegal drug derivatives sales or transactions, including monies, money orders, cashier's checks, and traveler's checks;
5. All digital pagers and cellular phones, and/or computers, used to facilitate narcotic transactions;
6. Articles of personal property tending to establish the identity of person in control of the premises;
7. Articles of personal property tending to establish the identity of person in control of the carrying items to include but not limited to clothing, hand bags, fanny packs, wallets, purses, containers, envelopes on the person identified as John RODDY with a birth date of 10-28-50 and social security number of 521-70-1682;

ATTACHMENT NO. 3

CONFIDENTIAL INFORMANT

Your affiant states that he is a police officer with the Hawaii County Police Department since 1987, and that his present position is Police Officer assigned to the Vice Section, in the Kona District;

That Officer Stanley HAANIO who is temporarily assigned to the Kona Vice Section informed your affiant that within the past one and a half weeks Officer HAANIO has received truthful information from a confidential informant; that Officer HAANIO, wishes to keep the identity of the informant confidential for the following reasons:

- 1) Disclosure endangers the informant's safety;
- 2) Disclosure impairs the informant's future usefulness to law enforcement authorities;

That Officer HAANIO believes the confidential informant to be reliable in that in the past one and a half weeks said informant had given truthful information on at least six (6) occasions regarding drug activities within the Naalehu area of the Kau District; that Officer HAANIO, has corroborated said information through police investigations and other independent means;

That said information has lead to the recovery of crystal methamphetamine on at least three (3) occasions;

ATTACHMENT NO. 3a

That Officer HAANIO informed your affiant that within the past five (5) days, he was informed by the informant that a male individual who is known to the informant as John RODDY is a user/distributor of crystal methamphetamine "ice" in the Naalehu area of the Kau District;

That Officer HAANIO has corroborated said information through speaking with Detective Ernest SALDUA of the Kona Vice Section and also anonymous complaints received of suspected drug activity occurring at John RODDY'S residence;

That the informant informed Officer HAANIO that John RODDY lives in Naalehu in the newer subdivision on Poha Street at the corner on Niu Street; that the residence is occupied by John RODDY and his wife;

That your affiant was informed by Officer HAANIO, that the informant had shown him the location of the described residence; that Officer HAANIO described the residence to be a white colored single story residence with green metal corrugated roofing located at 95-5572 Poha Street, Naalehu, Hawaii; and is further described as being located on the north west corner of Poha Street and Niu Street intersection;

That Officer HAANIO informed your affiant that the informant has purchased and used crystal methamphetamine in the past and is familiar with the physical appearance, packaging, and methods of distribution of crystal methamphetamine;

That the informant has been purchasing crystal methamphetamine from John RODDY for over a year and has purchased crystal methamphetamine in excess of 12 (twelve)

ATTACHMENT NO. 3b

times from John RODDY'S at RODDY'S residence with the last being within the last thirty (30) days;

That the informant informed Officer HAANIO that all the purchase's of crystal methamphetamine was conducted at John RODDY'S residence and John RODDY would usually have the crystal methamphetamine on his person;

That the informant has purchased bunk (Imitation Drugs) from John RODDY in the past; that the informant did contacted John RODDY and told him that it was bunk; that John RODDY always exchanged the bunk for real crystal methamphetamine;

That Officer HAANIO informed your affiant that within the past three days the informant agreed to conduct a controlled purchase of crystal methamphetamine from John RODDY;

That Officer HAANIO informed your affiant that he met with the informant at a prearranged location; that the informant was searched for narcotics and was found not to be possessing any;

That Officer HAANIO informed your affiant that he gave 2 (two) twenty dollars bills to the informant, which the serial numbers had been previously recorded with the following serial numbers BD79428320AD4 and AI00624716BI9;

That constant surveillance was conducted on the informant from the time the informant went to John RODDY'S residence located at 95-5572 Poha Street and met with John RODDY and when the informant left the residence and met with Officer HAANIO;

ATTACHMENT NO. 3c

That the informant was met at a predetermined location; that the informant turned over one blue stamp size Ziploc bag which was heat sealed at the top opening containing a crystalline substance to Officer HAANIO;

That the informant related that the crystal methamphetamine was purchased from John RODDY while the informant was at the RODDY residence;

That the crystal methamphetamine obtained by the informant was recovered and a field test was conducted on the crystalline substance by Officer HAANIO; that Officer HAANIO informed your affiant that said test was presumptive negative for crystal methamphetamine; that Officer HAANIO is qualified to perform said test;

That your affiant has received training in the identification of narcotics and/or methods of distribution of narcotics from the Hawaii County Police Department, Honolulu Police Department, Western States Information Network, Florida DOLE, Drug Enforcement Administration, and California DOJ; that during the course of employment as a police officer assigned to the Kona District, your affiant has being involved in numerous search warrants and has made numerous arrests for narcotics; that is has been my experience and the experience of other experienced narcotics investigators with whom I have spoken that persons involved in the use, sales, and transportation of crystal methamphetamine will have most if not all of the following items of evidence within their temporary or permanent residences, vehicles, storage areas, storage containers, or on their persons.

That these items are associated with use, sales, and transportation of crystal methamphetamine;



## ATTACHMENT NO. 3d

Methamphetamine and derivatives of same; paraphernalia used in the ingestion of methamphetamine to include glass smoking pipes, metal screens, wet rags, and or paper towels, lighters, and butane torches; items used in the preparing and packaging methamphetamine for sales including paper bindles, heat sealed packets, straws, vials used for storage, scales, and other weighing devices;

Articles of personal property tending to establish and document use, sales, and transportation of methamphetamine, consisting of buyer lists, seller lists, recordation of sales; articles of personal property tending to establish the existence of a conspiracy to use, sell, and transport methamphetamine, including pagers, personal telephone books, address books, telephone bills, papers and documents containing lists of names, addresses and phone numbers of narcotics customers and suppliers; articles of personal property tending to establish the identity of persons in control of the premises, vehicles, storage areas and containers being searched including the utility company receipts, rent receipts, addressed envelopes, keys, video tapes and photographs of the defendant(s) and their associates.

That based on the foregoing information, your affiant request that a search warrant be granted;

**FAX TRANSMISSION****RICHARD S. KAWANA****ATTORNEY AT LAW****810 RICHARDS STREET, SUITE 851****HONOLULU, HAWAII 96813****TEL NO: 536-6805****FAX: 536-9394**

**To:** Pamela J. Byrne, Assistant Federal Public Defender **Date:** August 5, 2003

**Fax #:** 541-3545 **Pages:** 9, including this cover sheet.

**From:** Richard S. Kawana

**Subject:** USA v. John Roddy

COMMENTS: Affidavit for Search Warrant, dtd 4/22/03, in District Court of Third Circuit.  
Please let me know if you have any questions.

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